



# King County

1200 King County  
Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Meeting Agenda

### Government Accountability, Oversight and Financial Performance Committee

**Councilmembers:** *Bob Ferguson, Chair; Pete von Reichbauer, Vice Chair;  
Larry Gossett, Kathy Lambert*

**Staff:** *Pat Hamacher, Lead Staff (206-296-1642)  
Joanne Rasmussen, Committee Assistant (206-296-0333)*

9:30 AM

Tuesday, April 10, 2012

Room 1001

Pursuant to K.C.C. 1.24.035 A. and F., this Government Accountability, Oversight and Financial Performance Committee meeting is also noticed as a meeting of the Metropolitan King County Council, whose agenda is limited to the committee business. In this meeting only the rules and procedures applicable to committees apply and not those applicable to full council meetings.

1. **Call to Order**

2. **Roll Call**

3. **Approval of Minutes** pp 3-6

*March 27, 2012*

To show a PDF of the written materials for an agenda item, click on the agenda item below.

### Discussion and Possible Action

4. [Proposed Substitute Ordinance No. 2011-0493.2](#) pp 7-34

AN ORDINANCE making willful violation of wage payment requirements a basis for debarment or suspension from consideration for the award of contracts with the county; and amending Ordinance 12138, Section 18, as amended, and K.C.C. 4.16.145.

**Sponsors:** Mr. Ferguson and Mr. Gossett

*Mike Alvine, Council Staff*



*Sign language and communication material in alternate formats can be arranged given sufficient notice (206-1000).*

*TDD Number 206-1024.*

*ASSISTIVE LISTENING DEVICES AVAILABLE IN THE COUNCIL CHAMBERS.*



5. [Proposed Motion No. 2012-0122](#) pp 35-42

A MOTION related to the establishment of a veterans internship program in King County, requesting the department of executive services human resources management division, to prepare and submit, for council review and acceptance, a report that evaluates the feasibility and implementation of a veterans internship program in King County.

**Sponsors:** Mr. Dunn, Mr. Ferguson and Ms. Lambert

*Kelli Carroll, Council Staff*

## Briefing

6. [Briefing No. 2012-B0058](#) pp 43-50

Briefing on Office of Law Enforcement Oversight (OLEO) Annual Report

*John Resha, Council Staff*

*Charles Gaither, Director, Office of Law Enforcement Oversight*

7. [Briefing No. 2012-B0057](#) pp 51-65

Briefing on the appointment and confirmation process for members of the Citizens' Elections Oversight Committee

*Mike Alvine, Council Staff*

## Other Business

## Adjournment



# King County

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516 Third Avenue  
Seattle, WA 98104

## Meeting Minutes

### Government Accountability, Oversight and Financial Performance Committee

**Councilmembers:** *Bob Ferguson, Chair; Pete von Reichbauer,  
Vice Chair;  
Larry Gossett, Kathy Lambert*

**Staff:** *Pat Hamacher, Lead Staff (206-296-1642)  
Joanne Rasmussen, Committee Assistant (206-296-0333)*

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9:30 AM

Tuesday, March 27, 2012

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Pursuant to K.C.C. 1.24.035 A. and F., this Government Accountability, Oversight and Financial Performance Committee meeting is also noticed as a meeting of the Metropolitan King County Council, whose agenda is limited to the committee business. In this meeting only the rules and procedures applicable to committees apply and not those applicable to full council meetings.

1. **Call to Order**

*Chair Ferguson called the meeting to order at 9:31 a.m.*

2. **Roll Call**

**Present:** 4 - Mr. Ferguson, Mr. von Reichbauer, Mr. Gossett and Ms. Lambert

3. **Approval of Minutes**

*Councilmember von Reichbauer moved approval of the March 13, 2012 meeting minutes. The motion passed.*

### Discussion and Possible Action

4. **Proposed Ordinance No. 2012-0118**

AN ORDINANCE adopting the revision of voting precincts of King County for the year 2012.

**Sponsors:** Mr. Ferguson

*Clifton Curry, Council Staff, briefed the committee and answered questions from the members. David Wilson, Elections GIS Supervisor, answered questions from the members.*

*Councilmember von Reichbauer moved Amendment 1 correcting Attachment B to the ordinance. Amendment 1 passed 3-0 with Councilmember Lambert excused. This item was expedited to the April 2, 2012 King County Council agenda.*

**A motion was made that this Ordinance be Recommended Do Pass Substitute**

**Consent. The motion carried by the following vote:**

**Yes:** 4 - Mr. Ferguson, Mr. von Reichbauer, Mr. Gossett and Ms. Lambert

## Briefing

**5. Briefing No. 2012-B0046**

A briefing on the 2012 Annual Report of the Citizens' Elections Oversight Committee

*Mike Alvine, Council Staff, briefed the committee and answered questions from the members. Ellen Hansen, Chair, Citizens' Election Oversight Committee, offered comments and answered questions from the members.*

**This matter was Presented**

**6. Briefing No. 2012-B0047**

A briefing on the response to the 2012 Budget Proviso #1 for the Department of Elections

*Mike Alvine, Council Staff, briefed the committee and answered questions from the members.*

**This matter was Presented**

**7. Briefing No. 2012-B0048**

Briefing on County Bond Ratings

*Pat Hamacher, Council Staff, introduced Ken Guy, Finance Director, Finance and Business Operations Division (FBOD), Rob Shelley, Financial Advisor, Seattle-Northwest Securities Corporation, and Nigel Lewis, Senior Debt Analyst, FBOD. Mr. Guy and Mr. Shelley briefed the committee and answered questions during a PowerPoint Presentation. Nigel Lewis, Senior Debt Analyst, FBOD, was present to answer questions.*

**This matter was Presented**

## Discussion and Possible Action

**8. Proposed Substitute Ordinance No. 2011-0493.2**

AN ORDINANCE making willful violation of wage payment requirements a basis for debarment or suspension from consideration for the award of contracts with the county; and amending Ordinance 12138, Section 18, as amended, and K.C.C. 4.16.145.

**Sponsors:** Mr. Ferguson and Mr. Gossett

*Mike Alvine, Council Staff, briefed the committee and answered questions from the members. Ken Guy, Finance Director, Finance and Business Operations Division, answered questions from the members.*

**This matter was Deferred**

## Other Business

*There was no further business to come before the committee.*

## Adjournment

*The meeting was adjourned at 11:07 a.m.*

Approved this \_\_\_\_\_ day of \_\_\_\_\_.

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Clerk's Signature

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## Government Accountability and Oversight Committee

### STAFF REPORT

<b>Agenda Item:</b>	4	<b>Name:</b>	Mike Alvine
<b>Proposed No.:</b>	2011-0493	<b>Date:</b>	April 10, 2012
<b>Invited:</b>	Ken Guy, Director, Finance and Business Operations Division, DES		

**SUBJECT:** An ordinance making willful violation of wage payment requirements a basis for debarment or suspension from consideration for the award of contracts with the county; and amending Ordinance 12138, Section 18, as amended, and K.C.C. 4.16.145.

#### **SUMMARY:**

The ordinance would give the Executive authority to debar or suspend a vendor or contractor from doing business with King County if the Washington State Department of Labor and Industries finds the company in “willful” violation of state and federal wage provisions.

#### **UPDATE:**

The substitute ordinance received a Do Pass recommendation for the Council. At Council it was re-referred to the GAOFP Committee in order to make additional changes. Those changes are described later in this report under AMENDMENT.

#### **BACKGROUND:**

King County code 4.26.245 already authorizes the Executive to suspend or exclude (debar) firms from doing business for various activities including criminal offenses of state or federal law such as theft, forgery, bribery, falsification or destruction of records, receiving stolen property and violation of antitrust statutes. In addition, the Executive can suspend or debar companies from doing business with King County for unsatisfactory performance in a recent contract or engagement and for ethics violations.

The Washington State Department of Labor and Industries (L&I), among other responsibilities, is the watchdog agency that ensures employers follow the minimum wage law, pay overtime correctly and pay employees their earned wages, including their last paycheck when separating employment. This authority can be found in chapter 49.48 RCW. Last year L&I reported over 4,000 complaints by employees of wage theft. L&I investigates these claims and must make a determination if the complaint is valid within 60 days. If L&I determines that an employer has illegally withheld wages from an employee they issue a citation and the employer is obligated to pay the wages due. In more serious cases, L&I can find the employer is in “willful” violation of wage laws. In other words, the employer is

knowingly violating wage laws and civil penalties can apply. L&I considers an employer to be a “repeat willful violator” if they have two willful violation findings in a three-year period.

**ANALYSIS:**

The ordinance would give the Executive authority to debar or suspend a vendor or contractor from doing business with King County if the Washington State Department of Labor and Industries finds a company in “willful” violation of state and federal wage provisions. L&I makes these determinations on a regular basis.

Chapter 49.48 RCW provides L&I with specific authorities and remedies to pursue employers found in violation of state wage laws. It also allows L&I to have reciprocal agreements with other states. This could allow for suspension or debarment of firms that are willful violators of wage laws that are based in other states.

**AMENDMENT:**

At the chair’s request staff drafted an amendment that reconfigures K.C.C. 4.16.145. It divides the problematic behavior of persons, firms or other legal entities that want to do business with King County into two groups. The most serious behaviors, such as convictions under state or federal statutes for embezzlement, theft, forgery, bribery, falsification or destruction of records and receiving stolen property and other offenses are grounds for mandatory suspension or debarment from doing business with King County. Willful violations of state wage laws fall into the category of mandatory suspension or debarment as do persons, firms or other legal entities that have had civil judgments against them for violation of wage payment laws. Persons, firms or other legal entities that commit these offenses would be eligible to do business with King County after a five-year period with no further offenses.

Lesser offenses such as violations of ethical standards or failure to perform or poor performance on previous county contracts are not conditions for mandatory suspension or debarment, although the Executive has the authority to suspend or debar for this second category. Added to this category of offenses for which the Executive has the authority to suspend or debar a person, firm or individual is the situation where King County may be involved in a lawsuit with the entity.

There is also a provision calling on the Executive to create a due process procedure for persons, firms or other legal entities to explain why they should not be suspended or debarred.

Section 2. of the striking amendment calls for the Executive to develop supplemental bidder criteria. In 2007 state law changed to allow jurisdictions to develop supplemental bidder criteria. The City of Seattle has, for example, already developed supplemental bidder criteria. The striker calls for criteria related The King County Strategic Plan.

Finally, there is a “safety valve” clause that if the Executive determines that significant harm would accrue to King County by suspending or debarring a person, firm or other legal entity from doing business with King County, the Executive can decide not suspend or debar but must inform the Council of his decision within 30 days.



**ATTACHMENTS:**

1. Proposed Substitute Ordinance 2011-0493
2. Striking Amendment 1.2 to Proposed Substitute Ordinance 2011-0493
3. Title Amendment 1 to Proposed Substitute Ordinance 2011-0493
4. City of Seattle Supplemental Bidder Responsibility Criteria

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# KING COUNTY

Attachment 1

## Signature Report

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

April 6, 2012

### Ordinance

**Proposed No.** 2011-0493.2

**Sponsors** Ferguson and Gossett

1 AN ORDINANCE making willful violation of wage  
2 payment requirements a basis for debarment or suspension  
3 from consideration for the award of contracts with the  
4 county; and amending Ordinance 12138, Section 18, as  
5 amended, and K.C.C. 4.16.145.

6 **STATEMENT OF FACTS:**

- 7 1. King County's vision, as stated in the county's strategic plan, is to be "a  
8 diverse and dynamic community with a healthy economy and environment  
9 where all people and businesses have the opportunity to thrive." Among  
10 the guiding principles contained in the strategic plan are accountability,  
11 fairness and justice.
- 12 2. Employer violation of wage payment requirements runs contrary to  
13 King County's vision and guiding principles. Such violations, also known  
14 as "wage theft," can take a number of forms, including withholding an  
15 employee's last paycheck when the employee leaves a job, not paying for  
16 all hours worked, stealing tips, failing to pay overtime as required and  
17 paying less than the minimum wage.
- 18 3. Wage theft is a nationwide problem. According to a 2008 survey  
19 funded by the Ford Foundation, of the 4,387 workers interviewed in low-

20 wage industries in the three largest United States cities-Chicago, Los  
21 Angeles, and New York-sixty-eight percent had experienced at least one  
22 pay-related violation of the law in the previous work week. The average  
23 worker lost \$51 out of average weekly earnings of \$339 for a loss of  
24 fifteen percent of earnings.

25 4. In Washington State, according to the Washington State Department of  
26 Labor & Industries, an average of eleven Wage Payment Act violation  
27 claims are filed each day, totaling over 4,000 claims in 2010.

28 5. Wage theft commonly occurs in low-wage industries, but is not limited  
29 to any particular sector of the economy, and no group of workers is  
30 immune.

31 6. Wage theft detrimentally impacts workers and hurts businesses that  
32 follow the law. Businesses are placed at a disadvantage when competitors  
33 keep costs artificially low by unlawfully withholding payments from their  
34 employees. Taxpayers shoulder a disproportionate share of the national  
35 tax burden when employers fail to pay payroll taxes. Unpaid workers are  
36 deprived of money to buy goods and services that benefit their families  
37 and the local economy.

38 7. The elimination of wage theft will foster fair business practices and  
39 promote the dignity and economic security of employees.

40 8. Currently, in Washington State, wage theft complaints are handled by  
41 the Washington state Department of Labor and Industries. Wage theft is  
42 punishable by civil fines and the recovery of lost wages by the employee.

43 According to RCW 49.48.082 through 4.48.087, the Department of Labor  
44 and Industries issues a citation for a willful violation when an employer  
45 has violated a wage payment requirement and the violation was knowing  
46 and intentional and neither accidental nor the result of a bona fide dispute.

47 9. King County contracts with outside vendors, awarding an average of  
48 500 professional, construction, and goods and services contracts each year.  
49 Since 2006, the county has awarded more than 3,000 contracts to over  
50 4,000 outside vendors for a combined total of over \$3.5 billion.

51 10. King County should not reward employers who are "willful violators"  
52 of state wage laws by awarding them a county contract.

53 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

54 SECTION 1. Ordinance 12138, Section 18, as amended, and K.C.C. 4.16.145 are  
55 hereby amended to read as follows:

56 The executive shall comply with the following procedures in contract debarment  
57 and suspension actions.

58 A. After reasonable notice to the person involved and reasonable opportunity for  
59 that person to be heard, the executive shall have authority to debar a person, firm or other  
60 legal entity for cause from consideration for award of contracts with the county. The  
61 debarment shall be for a period of not more than two years.

62 B. The executive shall have the authority to suspend a person, firm or other legal  
63 entity from consideration for award of contracts if there is probable cause for debarment.  
64 The suspension shall be for a period of not more than six months.

65 C. The authority to debar or suspend shall be exercised in accordance with  
66 procedures established by the executive.

67 D. The causes for debarment or suspension include the following:

68 1. Conviction for commission of a criminal offense as an incident to obtaining  
69 or attempting to obtain a public or private contract or subcontract, or in the performance  
70 of such contract or subcontract;

71 2. Conviction under state or federal statutes of embezzlement, theft, forgery,  
72 bribery, falsification or destruction of records, receiving stolen property, or any other  
73 offense indicating a lack of business integrity or business honesty which currently,  
74 seriously, and directly affects responsibility as a contractor to the county;

75 3. Conviction under state or federal antitrust statutes arising out of the  
76 submission of bids or proposals;

77 4. Violation of contract provisions, such as the following, of a character which  
78 is regarded by the executive to be so serious as to justify debarment action:

79 a. deliberate failure without good cause to perform in accordance with the  
80 specifications or within the time limit provided in the contract(~~(, or~~);

81 b. substantial failure to comply with commitments to and contractual  
82 requirements for participation by minority and women's business enterprises and equal  
83 employment opportunity(~~(, or~~); or

84 c. a recent record of failure to perform or of unsatisfactory performance in  
85 accordance with the terms of one or more contracts; provided that failure to perform or  
86 unsatisfactory performance caused by acts beyond the control of the contractor shall not  
87 be considered to be a basis for debarment;

88           5. Violation of ethical standards set forth in contracts with the county;~~((-or))~~

89           6. Willful violation of a wage payment requirement, under chapter 49.48 RCW

90 where the citation and notice of assessment for the violation was issued by the

91 Washington state Department of Labor and Industries within the three years preceding

92 commencement of the debarment or suspension; or

93           7. Any other cause that the executive determines to be so serious and

94 compelling as to affect responsibility as a contractor to the county, including debarment

95 by another governmental entity for any cause similar to those set forth herein.

96           E. The executive shall issue a written decision stating the reasons for the

97 debarment or suspension. Such a decision shall be promptly mailed or otherwise

98 furnished to the debarred or suspended person and any other party intervening.

99           F. The executive's decision of debarment or suspension, unless fraudulent, shall

100 constitute the final and conclusive decision on behalf of the county. After a final decision

101 has been made, the executive shall submit a report to the council giving the name of the

102 person, firm or other legal entity suspended or debarred and the reason~~((s))~~ or reasons  
103 for such a suspension or debarment.  
104

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Larry Gossett, Chair

ATTEST:

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Anne Noris, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** None



<b>S1.2</b>
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March 6, 2012

ma

Sponsor: Ferguson

Proposed No.: 2011-0493

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2011-0493, VERSION 2**

2 On page 1, beginning on line 6, strike everything through page 6, line 103, and insert:

3 "STATEMENT OF FACTS:

4 1. King County's vision, as stated in the county's strategic plan, is to be "a  
5 diverse and dynamic community with a healthy economy and environment  
6 where all people and businesses have the opportunity to thrive." Among  
7 the guiding principles contained in the strategic plan are accountability,  
8 fairness and justice.

9 2. Employer violation of wage payment requirements runs contrary to  
10 King County's vision and guiding principles. Such violations, also known  
11 as "wage theft," can take a number of forms, including withholding an  
12 employee's last paycheck when the employee leaves a job, not paying for  
13 all hours worked, stealing tips, failing to pay overtime as required and  
14 paying less than the minimum wage.

15 3. Wage theft is a nationwide problem. According to a 2008 survey  
16 funded by the Ford Foundation, of the four thousand three hundred eighty-  
17 seven workers interviewed in low-wage industries in the three largest

18 United States cities, which are Chicago, Los Angeles and New York,  
19 sixty-eight percent had experienced at least one pay-related violation of  
20 the law in the previous work week. The average worker lost fifty-one  
21 dollars out of average weekly earnings of three hundred thirty-nine  
22 dollars, for a loss of fifteen percent of earnings.

23 4. In Washington state, according to the Washington state Department of  
24 Labor and Industries, an average of eleven Wage Payment Act violation  
25 claims are filed each day, totaling over four thousand claims in 2010.

26 5. Wage theft commonly occurs in low-wage industries, but is not limited  
27 to any particular sector of the economy, and no group of workers is  
28 immune.

29 6. Wage theft detrimentally impacts workers and hurts businesses that  
30 follow the law. Businesses are placed at a disadvantage when competitors  
31 keep costs artificially low by unlawfully withholding payments from their  
32 employees. Taxpayers shoulder a disproportionate share of the national  
33 tax burden when employers fail to pay payroll taxes. Unpaid workers are  
34 deprived of money to buy goods and services that benefit their families  
35 and the local economy.

36 7. The elimination of wage theft will foster fair business practices and  
37 promote the dignity and economic security of employees.

38 8. Currently, in Washington state, wage theft complaints are handled by  
39 the Washington state Department of Labor and Industries. Wage theft is  
40 punishable by civil fines and the recovery of lost wages by the employee.

41 According to RCW 49.48.082 through 49.48.087, the Department of  
42 Labor and Industries issues a citation for a willful violation when an  
43 employer has violated a wage payment requirement and the violation was  
44 knowing and intentional and neither accidental nor the result of a bona  
45 fide dispute.

46 9. King County contracts with outside vendors, awarding an average of  
47 five hundred professional, construction, and goods and services contracts  
48 each year. Since 2006, the county has awarded more than three thousand  
49 contracts to over four thousand outside vendors for a combined total of  
50 over \$3.5 billion.

51 10. King County should not reward employers who are "willful violators"  
52 of state wage laws by awarding them a county contract, but should  
53 promote fair and ethical business practices that conform to the law and  
54 encourage a growing and diverse King County economy and vibrant,  
55 thriving and sustainable communities.

56 11. Wage theft and certain criminal offenses such as convictions under  
57 state or federal statutes for embezzlement, theft, forgery, bribery,  
58 falsification or destruction of records and receiving stolen property and  
59 other offenses are grounds for suspension or debarment from doing  
60 business with King County.

61 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

62 SECTION 1. Ordinance 12138, Section 18, and K.C.C. 4.16.145 are hereby  
63 amended to read as follows:

The executive shall comply with the following procedures in contract debarment and suspension actions.

A. After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the executive shall have authority to debar a person, firm or other legal entity for cause from consideration for award of contracts with the county. The debarment shall be for a period of not more than two years.

B. The executive shall have the authority to suspend a person, firm or other legal entity from consideration for award of contracts if there is probable cause for debarment. The suspension shall be for a period of not more than six months.

C. The authority to debar or suspend shall be exercised ~~((in accordance with))~~ by procedures established by the executive in accordance with this chapter.

D. The ~~((causes for debarment or suspension include the following))~~ executive shall suspend or debar a person, firm or other legal entity for:

1. Conviction within the five years preceding commencement of the debarment or suspension for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of ~~((such))~~ the contract or subcontract ;

2. Conviction within the five years preceding commencement of the debarment or suspension under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property~~((;))~~ or any other offense indicating a lack of business integrity or business honesty ~~((which))~~ that currently, seriously~~((;))~~ and directly affects responsibility as a contractor to the county;

3. Conviction within the five years preceding commencement of the debarment or suspension under state or federal antitrust statutes arising out of the submission of bids or proposals; or

4. ~~((Violation of contract provisions, such as the following, of a character which is regarded by the executive to be so serious as to justify debarment action:~~

~~a. deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract, or~~

~~b. substantial failure to comply with commitments to and contractual requirements for participation by minority and women's business enterprises and equal employment opportunity, or~~

~~c. a recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment;))~~ Violation of state wage payment laws,

including:

a. willful violation of a wage payment requirement, as defined in RCW 49.48.082, where the citation and notice of assessment for the violation was issued within the five years preceding commencement of the debarment or suspension; or

b. civil judgments entered by a court against the person, firm or other legal entity for violations of wage payment requirements under state law within the five years preceding commencement of the debarment or suspension.

E. The executive should suspend or debar a person, firm or other legal entity for:

108           ~~((5-))~~ 1. Violation of ethical standards set forth in contracts with the county;

109   ~~((6-))~~

110           2. Violation of contract provisions, such as the following, of a character that is

111 regarded by the executive to be so serious as to justify debarment action:

112           a. deliberate failure without good cause to perform in accordance with the

113 specifications or within the time limit provided in the contract;

114           b. substantial failure to comply with commitments to and contractual

115 requirements for participation by minority and women's business enterprises and equal

116 employment opportunity; or

117           c. a recent record of failure to perform or of unsatisfactory performance in

118 accordance with the terms of one or more contracts, though failure to perform or

119 unsatisfactory performance caused by acts beyond the control of the contractor shall not

120 be considered to be a basis for debarment; or

121           ~~((6-))~~ 3. Any other cause that the executive determines to be so serious and

122 compelling as to affect responsibility as a contractor to the county, including debarment

123 by another governmental entity for any cause similar to those set forth ~~((herein))~~ in this

124 subsection E.

125           ~~((E-))~~ F. The executive shall issue a written decision stating the reasons for the

126 debarment or suspension. Such a decision shall be promptly mailed or otherwise

127 furnished to the debarred or suspended person and any other party intervening.

128           ~~((F-))~~ G. The executive's decision of debarment or suspension, unless based on

129 fraudulent information, shall constitute the final and conclusive decision on behalf of the

130 county. After a final decision has been made, the executive shall submit a report to the

council giving the name of the person, firm or other legal entity suspended or debarred and the reason~~((s))~~ or reasons for such a suspension or debarment.

H. Notwithstanding subsection D. or E. of this section, the executive has the authority to not suspend or debar a person, firm or legal entity if the executive determines significant harm would accrue to the county by suspension or debarment of the person, firm or other legal entity or that mitigating circumstances do not warrant debarment or suspension, and notifies the council within thirty days of the executive's determination.

SECTION 2. A. The executive shall develop supplemental bidder responsibility criteria, as authorized in RCW 39.04.350, for the purposes of promoting fair competition between bidders and ensuring the award of contracts conforms to the goals of the King County Strategic Plan.

B. The executive shall submit a report on the development of supplemental bidder responsibility criteria by July 1, 2012, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers and to the committee coordinator for the government accountability, oversight and financial performance committee or its successor."

**EFFECT: Makes suspension and debarment mandatory for wage theft and a variety of criminal offenses, such as convictions under state or federal statutes for embezzlement, theft forgery, bribery, falsification or destruction of records and receiving stolen property, except that the Executive has the authority not to debar a person, firm or other legal entity if the Executives determines that significant harm**

154    **would come to the County if suspension or debarment occurred. Requires due**  
155    **process before imposing suspension or debarment. Also directs the Executive to**  
156    **develop supplemental responsible bidder criteria. Makes technical corrections.**



**T1**

March 27, 2012

ma

Sponsor: Ferguson

Proposed No.: 2011-0493

1    **TITLE AMENDMENT TO PROPOSED ORDINANCE 2011-0493, VERSION 2**

2    On page 1, beginning on line 1, strike everything through line 5 and insert:

3                    "AN ORDINANCE making changes to King County's  
4                    procurement process; and amending Ordinance 12138,  
5                    Section 18, as amended, and K.C.C. 4.16.145."

6

7    **EFFECT: Makes the title conform to the striking amendment.**

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## Supplemental Bidder Responsibility Criteria

After bid opening and prior to award, the apparent low bidder must complete, sign and submit this form with attachments to the Contracting Services Division (See instructions at the end of this form). The form must be submitted no later than three (3) Business Days after the Bid Opening Date, unless a different time and date is required by the specifications. The Owner may also request the Form from additional bidders.

PW#		Project Name	
-----	--	--------------	--

### Part A: General Company Information

Company Name			
Address			
Contact Name and Title			
Contact Phone		Contact E-mail	
Years in business as a Prime Contractor		Years in business as a sub-contractor	
Years in business under present Name			
List any former company names under which the company, its Owners, and/or its principals has operated in the past 5 years			
Explain reason for name change(s) in the past 5 years			

### Part B: Work Experience

#### 1. Work Completed

On the attached **Project Experience form**, please list all construction contracts completed in the past five (5) years (or longer if required in the specifications) which are similar in type, size and scope of work to this project. **If this project contains specific supplemental bidder qualifications, the specifications will define type, size, and scope of work along with any other requirements for the number of projects and date of projects.**

Note: In evaluating whether the projects were "successfully completed," the Owner may check owner references for previous projects and use the owner's assessment of the Bidder's performance, including but not limited to the following areas, so please be thorough in your descriptions:

- Quality control;
- Safety record;
- Timeliness of performance;
- Use of skilled personnel;
- Management of subcontractors;
- Availability of and use of appropriate equipment;
- Compliance with contract documents;
- Management of submittals process, change orders and close out; and
- Any other criteria listed on this form.

## 2. Personnel

List the Superintendent and Project Manager who will be assigned to this project. Identify any concurrent projects in process, or planned projects, and how their time will be allotted among the projects. **Attach detailed resumes** for each with a listing of all projects supervised or managed within the past five (5) years (or longer if required in the specifications), with references and contact information for each project. **If this project contains specific supplemental bidder qualifications, the specifications will define type, size, and scope of work along with any other requirements for the number of projects and date of projects.**

Superintendent	Project Manager

Note: In evaluating the resumes, the Owner may check owner references for previous projects and use the owner's assessment of the Personnel's performance, including but not limited to the following areas, so please be thorough in your descriptions:

- Quality control;
- Safety record;
- Timeliness of performance;
- Use of skilled personnel;
- Management of subcontractors;
- Availability of and use of appropriate equipment;
- Compliance with contract documents;
- Management of submittals process, change orders and close out; and
- Any other criteria listed on this form.

## 3. Equipment

List all equipment owned or leased which you intend to use on this project:

Type of Equipment	Size or Capacity	Owned or leased?

## 4. Work in Progress

List all construction contracts in progress. List project name, Owner, contract amount, percent of work performed with own forces, anticipated completion date.

Project Name	Owner and Contact Information	Contract Amount	% Self Performed	Completion Date

- For the following, please check the appropriate box and attach an explanation if required.
- A "yes" answer does not automatically make your firm not responsible, but your firm will be evaluated based on your explanation.

**Part C: Compliance History***Performance Evaluation*

6. Has your firm, under present or past business name, received one or more "Deficient" or "Inadequate" evaluations from the City of Seattle or another governmental agency on a construction project within the last five (5) years?

☐ Yes      ☐ No

If "yes" attach a separate, signed/dated statement listing the projects and an explanation.

*Debarment*

7. In the last five (5) years has your firm, any firm with which any of your company's owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing any government agency or public works project for any reason?

NOTE: "associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position.

☐ Yes      ☐ No

If "yes," attach a separate signed/dated statement indicating whether the firm involved was the firm bidding on this contract or another firm. Please include the name of the company, name of the person within your firm who was associated with that company, year of the event, project owner, project name, contract value and the basis for the action.

*Safety*

8. Has the Washington State Department of Labor and Industries, federal OSHA, or any other state's occupational safety and health agency cited your firm for any "serious," "willful" or "repeat" violations of its safety or health regulations in the past five years?

☐ Yes      ☐ No

If "yes," attach a separate signed/dated statement describing each citation, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any. If the citation was appealed and a decision has been issued, state the case number and the date of the decision.

9. List the Experience Factor (Washington workers' compensation insurance) of your firm for each of the past three years. NOTE: An Experience Factor is calculated annually by the Washington Department of Labor and Industries.

## Supplemental Bidder Responsibility Criteria

Current Year:		Previous Year:		Year to previous year:	
---------------	--	----------------	--	------------------------	--

If your firm's Experience Factor for any of these three years is or was 1.00 or higher, attach a letter of explanation. If you do not have an Experience Factor please explain.

*Environmental*

10. Has the EPA, Washington DOE, any Regional Clean Air Agency, or any other state's equivalent environmental enforcement agency cited either your firm or the owner of a project on which your firm was the contractor, in the past five years?

☐ Yes ☐ No

If "yes," attach a separate signed/dated statement describing each citation, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any. If the citation was appealed and a decision has been issued, state the case number and the date of the decision.

**Part D: Social Equity Compliance***Social Equity – Discrimination*

11. Has your firm or any of its owners, officers or partners ever been found by a court or administrative process to have discriminated in contracting, employment, in the provision of public services, or in leasing practices?

☐ Yes ☐ No

If "yes," attach a separate signed/dated statement that identifies the type of violation, who was involved, the name of the public agency, year of the investigation, the resolution in court or administrative process, and the grounds for the finding.

*Social Equity – Affirmative Efforts*

12. Has your firm, within three (3) years of the bid submittal date, failed to meet :

a. Mandatory DBE utilization goals, for any public works project worked on?

☐ Yes ☐ No ☐ Not Applicable

b. Voluntary WMBE utilization goals for any public works project worked on?

☐ Yes ☐ No

If "yes" for either a. or b., attach a separate signed/dated statement that includes the project name, public agency, and the circumstances for not meeting the goal.

*Apprenticeship*

13. Has your firm, within three (3) years of the bid submittal date, failed to meet required apprenticeship utilization goals on public works projects estimated to be over \$1 million?

☐ Yes      ☐ No      ☐ Not Applicable

If "yes," attach a separate signed/dated statement that includes the project name, public agency, and the circumstances for not meeting utilization.

#### *Prevailing Wage*

14. Has there been any occasion during the last five (5) years in which your firm was required to pay either back wages or penalties for failure to comply with any state or federal prevailing wage laws?

☐ Yes      ☐ No

If "yes," attach a separate signed/dated statement describing the nature of each violation, identifying the name of the project, the date of its completion, the public agency; the number of employees who were initially underpaid and the amount of back wages and penalties that you were required to pay.

#### **Part E: Legal Matters**

##### *Bonding/Surety Claims*

15. For each bonding company used in the past 5 years, please list the bonding company name, address, agent's name, and phone number.

Bonding Company	Address	Name of Bonding Agent	Agent's Phone Number

16. At any time during the past five (5) years, has any surety company made any payments on your current or past firm's behalf as a result of a default or to satisfy any claims made against a performance or payment bond issued on your firm's behalf, in connection with a construction project.

☐ Yes      ☐ No

If "yes," attach a separate signed/dated statement indicating the amount of each claim, the name and telephone number of the claimant or bonding company, the date of the claim, the grounds for the claim, the present status of the claim, the date of resolution of claim if resolved, the method by which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

##### *Criminal Convictions*

17. Has your firm ever been found liable or guilty in a state or federal criminal action for making any false claim, material misrepresentation, fraud, theft, or any other criminal conviction of any federal, state, or local law related to construction?

☐ Yes      ☐ No

## Supplemental Bidder Responsibility Criteria

If "yes," attach a separate signed/dated statement, identifying who was involved, the name of the person or persons convicted, the name of the public agency, the date of the investigation and the grounds for the finding.

*Litigation*

18. List all claims involving your firm or any firm listed in Part A, related to construction, within the last five (5) years which have resulted in partial or final settlement of the contract by mediation, arbitration, or litigation. Please include information on any pending claims or litigation. If you have additional claims, please attach a separate signed/dated statement, identifying the same information listed below.

☐ None/ Not Applicable

Name of Project		Name of Owner and Contact Information	
Name of Claimant		Claimant Contact information	
Claim Description			
Name of Project		Name of Owner and Contact Information	
Name of Claimant		Claimant Contact information	
Claim Description			
Name of Project		Name of Owner and Contact Information	
Name of Claimant		Claimant Contact information	
Claim Description			

**Part F: Signature**

The undersigned certifies that the information and data contained herein is correct and complete. Failure to disclose information or submitting false or misleading information may result in rejection of your bid, revocation of award, contract termination, or may impact your ability to bid on future projects by the City of Seattle.

Signature of Authorized Representative

Date

Printed Name of Authorized Representative

Title



**Instructions for the Supplemental Bidder Responsibility Form**

After bid opening and prior to award, the apparent low bidder must complete, sign and submit this form with attached documentation to the Contracting Services Division by one of the methods listed below. This information may be requested from additional bidders at the Owner's discretion, and if so, shall be provided within three (3) Business Days.

The Owner's evaluation may include further investigations to establish the responsibility, qualifications, financial resources and experience of a Bidder to complete the Work of this Contract. The Owner may contact previous owners or others to validate the information provided by the Bidder. The Owner will assess the information provided and other information gathered in determining whether a Bidder is responsible. Please list all information you feel is relevant to the Owner making an informed decision. The Owner reserves the right to request additional information from the Bidder.

For criteria with check boxes, the Bidder will check either "Yes" or "No." Where provided, the Bidder may check "Not Applicable" if the Bidder has not had a project which included this requirement. If "Not Applicable" is not an option, the Bidder would check "No." For each "Yes" answer on the form, the Bidder must provide a signed and dated statement providing the project information requested and explaining the extenuating circumstances.

**Form submittal:**

Submit this form to Contracting Services Division (CSD) of the City of Seattle Department of Executive Administration by one of the following methods by the close of business (5:00 pm) on the third (3) Business Day after the Date of Bid Opening (unless the specifications provide a different time or date):

**Email (preferable)**      Lourdes.Bonifacio@seattle.gov  
with the Email Subject line: Supplemental Bidder Form for PW# [insert number]

**Fax to:**                      206-684-4511 Attention: Lourdes Bonifacio,  
Supplemental Bidder Form for PW# [insert number]

**Street Address:**        700 – 5<sup>th</sup> Ave, Room 4112, Seattle Municipal Tower, Seattle WA 98104  
Attention: Lourdes Bonifacio,  
Supplemental Bidder Form for PW# [insert number]

**Post Office:**              Post Office Box: Seattle Municipal Tower, PO Box 94687, Seattle WA 98124-4687  
Attention: Lourdes Bonifacio,  
Supplemental Bidder Form for PW# [insert number]

If sending by courier (UPS, FedEx, etc.) the street address must be used. If mailing by regular US mail, the Post Office Box must be used. Bidders are responsible for ensuring that the proper Zip code is used. The City of Seattle will not be responsible for a late form.

**Questions** contact Maura Donoghue, [Maura.donoghue@seattle.gov](mailto:Maura.donoghue@seattle.gov) or 206-684-0386



## Attachment to Supplemental Bidder Responsibility Criteria Work Experience Form

Please complete one form per project and include the minimum number of projects (and forms) as requested. You may include any additional work experience you deem relevant to determining bidder responsibility. Please be sure to provide a thorough description of the work in order to demonstrate how your firm meets any required experience detailed in the specifications. You may attach additional documentation if needed.

PROJECT DETAIL			
BIDDER'S COMPANY NAME		BIDDER CONTACT NAME & PHONE NUMBER	
PROJECT NAME		PROJECT PW CONTRACT NUMBER	
PROJECT OWNER		PROJECT LOCATION	
PROJECT OWNER CONTACT NAME & TITLE		OWNER'S TELEPHONE NUMBER	
NOTICE TO PROCEED DATE	FINAL COMPLETION DATE	AWARDED CONTRACT VALUE	FINAL CONTRACT VALUE
PRIME CONTRACTOR NAME (IF NOT BIDDER)		CONTRACTOR CONTACT NAME & PHONE NUMBER (IF NOT BIDDER)	
BRIEF PROJECT DESCRIPTION			
BRIEF SUMMARY OF TECHNICAL WORK COMPLETED BY BIDDER, INCLUDING ANY RELEVANT DETAILS TO DEMONSTRATE SIMILAR EXPERIENCE AND ANY REQUIRED EXPERIENCE DETAILED IN THE SPEC.			



## Government Accountability, Oversight and Financial Performance Committee

### Staff Report

<b>Agenda Item:</b>	5	<b>Name:</b>	Kelli Carroll
<b>Proposed No.:</b>	2012-0122	<b>Date:</b>	April 10, 2012
<b>Invited:</b>	NA		

### **SUBJECT**

A MOTION related to the establishment of a veterans internship program in King County, requesting the department of executive services human resources management division, to prepare and submit, for council review and acceptance, a report that evaluates program feasibility and implementation of a veterans internship program in King County.

### **SUMMARY**

The proposed legislation asks the Executive's Human Resources Management Division to prepare and submit to Council a report that evaluates program feasibility and implementation of a veterans internship program in King County. The due date for the report is August 23.

This report is needed to inform the potential creation and implementation of internship programs, paid and/or unpaid, for veterans who return from war and experience challenges finding jobs.

A veterans internship program in King County would afford veterans with on-the-job training and work experience that will enable them to more effectively compete for jobs. It would also recognize that the men and women of the United States Military have technical and leadership skills that could directly benefit King County government.

### **BACKGROUND**

In 2011, the U.S. Department of Labor reported unemployment among veterans between the ages of 18 and 24 averaged 30 percent, which was more than double the unemployment rate among non-veterans of the same age. The jobless rate for veterans of that age group has improved more recently, dropping to 20 percent in January, according to the Bureau of Labor Statistics.

While many military personnel are proficient managers and technicians, employers may not know how to take into account the practical experience a soldier has picked up in the service. Further, some veterans experience difficulty translating and conveying skills learned in combat to employers during interviews.

In 2007, Los Angeles County launched its Veterans Internship Program. It was designed to afford veterans with on-the-job training and work experience that in turn, enables veterans to effectively compete for permanent County jobs. San Diego County shares the same program design for its veteran internship program as well. In addition, the federal Veterans Administration along with the US Congress also have veterans internship programs.

### **ANALYSIS**

The Proposed Motion calls for a report that evaluates program feasibility and implementation of a veterans internship program in King County. The report is to include the evaluation of existing county employment policies and practices for veterans and make recommendations on the establishment of a veterans internship program. The report will address how a veterans internship program would facilitate greater access and remove barriers to King County jobs for veterans. It would also include:

- An implementation schedule for establishing the veterans internship program
- Costs to operate the veterans internship program
- Potential funding sources for the veterans internship program
- Analysis of similar veteran internship programs instituted by municipalities

The report is to be transmitted with proposed legislation that would enact a veterans internship program.

There are several complimentary purposes to establishing a veterans internship program in King County.

- Assist veterans with the transition to the civilian workforce
- Provide the opportunity to develop on the job experience and training for a wide variety of careers in county government
- Help King County government departments and agencies develop an understanding of the applicable skills and abilities that returning veterans offer to the government work force
- Honor the service of veterans

The Proposed Motion has been reviewed by Council's Legal Counsel and no issues were identified. In addition, Executive staff have reviewed the Proposed Motion and have raised no concerns to Council staff. This legislation is ready for committee action.

### **ATTACHMENTS**

1. Proposed Motion 2012-0122
2. "Returning National Guard Members Face Job Market Challenges", Minnesota Public Radio March 29, 2012



## KING COUNTY

Attachment 1

### Signature Report

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

April 6, 2012

#### Motion

**Proposed No.** 2012-0122.1

**Sponsors** Dunn, Ferguson and Lambert

1 A MOTION related to the establishment of a veterans  
2 internship program in King County, requesting the  
3 department of executive services human resources  
4 management division, to prepare and submit, for council  
5 review and acceptance, a report that evaluates the  
6 feasibility and implementation of a veterans internship  
7 program in King County.

8 WHEREAS, for many veterans of the United States military returning home to  
9 civilian life creates many challenges, and

10 WHEREAS, acquiring a job can be the most difficult challenge of all for  
11 returning veterans, and

12 WHEREAS, veterans with military experience sometimes have difficulty  
13 presenting their skills and abilities to employers in the civilian workforce, and

14 WHEREAS, the unemployment rate for veterans of the Iraq and Afghanistan  
15 conflicts has remained consistently higher than the nation's, and

16 WHEREAS, the men and women of our military acquire tremendous technical  
17 and leadership skills in a great many professions during their training and deployment  
18 and

19 WHEREAS, a veterans internship program would assist veterans with the  
20 transition to the civilian workforce, including developing on the job experience and  
21 training for a wide variety of careers in county government, and

22 WHEREAS, a veterans internship program would help King County government  
23 departments and agencies develop an understanding of the applicable skills and abilities  
24 that returning veterans offer to the government work force, and

25 WHEREAS, our veterans and returning soldiers put their lives on hold when the  
26 nation called, and

27 WHEREAS, we as a county honor the service and sacrifice of veterans by  
28 welcoming them home, and

29 WHEREAS, we as a county can provide assistance to veterans in preparing them  
30 for entry into the civilian workforce;

31 NOW, THEREFORE, BE IT MOVED by the Council of King County:

32 A. The department of executive services, human resources management  
33 division, is requested to prepare and submit for council acceptance a report that evaluates  
34 the feasibility and implementation of veterans internship programs in King County.

35 B. The report shall review and evaluate existing county employment policies and  
36 practices for veterans and make recommendations on the establishment of paid and  
37 unpaid veterans internship programs and include, but not be limited to:

38 1. How paid and unpaid veterans internship programs would facilitate greater  
39 access and remove barriers to King County jobs for veterans;

40 2. An implementation schedule for establishing paid and unpaid veterans  
41 internship programs;

- 42           3. Costs to operate the veterans internship program;
- 43           4. Potential funding sources for the paid veterans internship program; and
- 44           5. Analysis of similar veteran internship programs instituted by municipalities.
- 45           C. The report should be transmitted with proposed legislation that would enact
- 46 paid and or unpaid veterans internship programs.
- 47           D. The executive shall transmit to the council the report, proposed legislation and
- 48 a motion accepting the report by August 23, 2012, in the form of a paper original and an

49 electronic copy with the clerk of the council, who shall retain the original and provide an  
50 electronic copy to all councilmembers.

51

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Larry Gossett, Chair

ATTEST:

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Anne Noris, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** None



## **Returning National Guard Members Face Job Market Challenges**

by [Elizabeth Baier](#), Minnesota Public Radio

March 29, 2012

FARMINGTON, Minn. — In a hopeful move for a National Guard family, Ashley and Kyle Laganieri bought their first house this week.

It might seem like an unusual move since Kyle Laganieri is still stationed in Kuwait and doesn't have a job waiting for him when he returns. But it's a move they've been planning for a long time.

"I've definitely lost some sleep over it, but we went forward with the loan just based on my income," Laganieri said. "So if the bank gave me a loan and they knew it was just my income, we could make it. Kyle will take the first job he can get. "

Laganieri, 27, who served in the National Guard for three years and now works for the Department of Department of Veteran's Affairs in St. Paul, said she and her husband are confident that he will find work.

"He's got to hit the ground running when he comes home," she said. "Let's take a couple of weeks and spend time with the family and have some fun and see everybody, but then it's back to real life."

But that isn't certain. When the 2,700 members of the Minnesota National Guard begin arriving home beginning in May from Kuwait, one of the biggest challenges for many will be learning how to present their experience in a way employers will find useful.

About 19 percent of the state's Red Bulls brigade won't have a job lined up for themselves when they return, according to Guard officials. Unemployment rates for Minnesota veterans are more than three times the state's overall unemployment rate of 5.7 percent.

With that in mind, the Laganieres are carefully making choices as they look to the future. Their 4-bedroom, \$172,000 new home won't break their budget.

After her husband's last deployment, Laganieri started working on a degree in human services. Kyle is already sending resumes to prospective employers, including the Minnesota Department of Corrections and the Hennepin County Jail. He may also try to restart his landscaping business -- one he repeatedly has had to shut down each time the National Guard called him to duty.

Kyle Laganieri, 29, has struggled to find work after his previous tours of duty overseas in Kosovo from 2003 to 2004, and again from 2007 to 2008.

"It got to the point where, sadly, he didn't want to tell people he was in the guard because he didn't want to have to say he was getting deployed," Laganieri said of her husband's experience

after returning home four years ago. "When you get turned down for so many jobs that you're qualified for, you start to wonder if it's because they don't want to deal with your deployments anymore."

**"I was there, I understand coming back and I understand it's frustrating. And when they say it can't be done, I'm an example it can be done."**

*- Scott Metcalf*

Many in the Red Bulls are not waiting to return home to look for a job, said Maj. Aaron Krentz, deployment cycle support chief for Minnesota National Guard.

"They are not waiting to come home to really start this process," Krentz said. "They're well in tune with what's going on and they are being proactive in getting their resumes out there."

The veterans bring valuable experience to the civilian job market, Krentz said, but sometimes have trouble describing technical skills or specific job descriptions in a way that prospective employers will understand.

"They need to translate that into something the corporate world, that employers will understand. The platoon leader is a supervisor or they could be a manager of things in a logistical world," Krentz said. "But it's really important that they articulate that so a potential employer can understand the level or amount of responsibility that they've had."

Scott Metcalf helps the veterans articulate their military experience. He's a Disabled Veterans Outreach coordinator at the Minnesota Department of Employment and Economic Development Workforce Center in Rochester and part of a new support group for Red Bulls returning from Kuwait. The employment resource team will work with soldiers at job fairs around the state and regional workforce centers through the spring.

Metcalf recently critiqued a resume he received via email from a guardsman in Kuwait. Within seconds, he noticed problems on the resume. The soldier guardsman lists his qualifications as "thorough, reliable and dedicated to achieving goals."

"What's that mean? What kind of goals?" Metcalf asks. "You want to make it more specific. What job did they do? I drove 10,000 miles in Iraq without any accidents. That gives you something right there instead of 'achieving goals.'"

Metcalf will send this resume back and forth to the soldier over the next few weeks until it is polished enough for the veteran to send it to prospective employers.

He wants the guardsman to know that it's possible to restart civilian life after serving overseas. In 2005, he was injured in a Humvee accident in Iraq while serving with the Red Bulls.

"I was there, I understand coming back and I understand it's frustrating. And when they say it can't be done, I'm an example it can be done," Metcalf said. "I'm a disabled vet. But I was able to find a job, get back in the saddle again."



## King County

# Government Accountability, Oversight and Financial Performance

### STAFF REPORT

<b>Agenda Item:</b>	6	<b>Name:</b>	John Resha
<b>Proposed No.:</b>	2012-B0058	<b>Date:</b>	April 10, 2012
<b>Invited:</b>	Charles Gaither, Director, Office of Law Enforcement Oversight		

### SUBJECT

A briefing regarding the Office of Law Enforcement Oversight (OLEO).

### BACKGROUND

In October 2006, the Council approved Ordinance 15611 regarding civilian oversight of the King County sheriff's office. In doing so, the Council sought to establish a system of civilian oversight to monitor ongoing investigations of misconduct, help resolve cases, implement methods for increasing the level of public trust and transparency, and identify systemic issues within sheriff's office and offer recommendations for reform. Shortly after the passage of the Ordinance, the King County Police Officers Guild filed an unfair labor practice charge against King County. In November 2007, King County and the King County Police Officers Guild finalized an agreement that Ordinance 15611 would be treated as a labor policy and that this policy would be bargained in good faith. The King County Police Officers dismissed its unfair labor practice charge against the County. The bargaining was finalized in December 2008 via Ordinance 16327, which approved a new five-year collective bargaining agreement between King County and the King County Police Officers Guild.

In May 2009, Council amended Ordinance 15611 per the bargaining agreement and adopted Ordinance 16511, which reflected the revised role and conditions of OLEO. In 2011, a candidate recommendation committee was convened per Ordinance 16511 to recommend candidates for the position of OLEO Director. Following this committee's recommendation, the Executive appointed Mr. Charles Gaither to this position and the Council, on September 19, 2012, confirmed Mr. Gaither as the OLEO Director.

The 2012 budget, Ordinance 16717, appropriated \$454,000 and four FTE for implementation of the office. Ordinance 16511 also identified the process for hiring an OLEO director as well as providing for additional citizen advisory support.

This briefing is focused on the annual reporting and operational plans for OLEO.

K.C.C. 2.75.050(C) states:

C. Issue annual reports, beginning March 1, 2010. The office shall file twelve copies of each report with the clerk of the council, for distribution to all councilmembers. To facilitate availability of the reports to the public, the office shall also retain paper copies of the reports and post the reports on the Internet. The office shall provide in the reports:

1. A statistical analysis of complaints, investigative findings and final discipline for sustained complaints. The reports should include information about the number and type of misconduct cases in which the director did not certify that the investigation was thorough and objective; and

2. Make recommendations for action by the sheriff on needed improvements in policies, procedures and practices stemming from analyses that look beyond the individual cases of misconduct to identify systemic problems within the sheriff's office. In addition to investigational materials available to the office, the director shall make use of all other available materials, including internal and external audits and reviews of the sheriff's office and critical incident reviews, in developing and making recommendations for improvements.

Given Mr. Gaither's limited time in his new role, his opportunity to produce a deep quantitative and qualitative annual report has been limited. In fact his work to date has been focused on:

- Establishing the office and its administrative presence;
- Contracting for a baseline independent assessment of risk associated with the King County Sheriff's Office policies, procedures and practices, looking beyond the individual cases of misconduct to identify systemic problems within the sheriff's office. The result of this analysis is anticipated in second quarter 2012; and
- Developing an operational plan to guide and add shape to the direction of the office (attachment 1).

As part of this briefing, Mr. Gaither will share a limited 2011 Annual Report and a look forward at 2012.

### **OLEO Operational Plan Overview**

The operational plan largely follows Council's original plan for OLEO. Its major difference is the focus on proactive, systemic risk assessment and management, which is a best practice in the law enforcement oversight industry.

The plan identifies the purpose, mission, key functions and methods for achieving the functions. The document is forward looking and expresses interest that are for a future state, rather than what is authorized under adopted King County Code.

### ***Mission***

*Delivering independent and effective oversight through community engagement, collaboration and accountability*

## **Key Functions**

### *Police Performance Auditing*

- Audit specific functions of the KCSO to identify risks and to mitigate them through well reasoned recommendations.

### *Use of Force Review*

- Be involved throughout the investigative and adjudicative process of every major use of force incident involving a KCSO employee.<sup>1</sup>

### *Public and Employee Complaints*

- Assists members of the public as well as KCSO employees in filing complaints of misconduct involving KCSO employees.
- Assists KCSO employees in matters involving allegations of retaliation and other workplace concerns, as well as monitors KCSO's investigations into such matters to ensure that both the employee's rights as well as KCSO's mission are protected.
- Investigates, in response to a complaint or on its own initiative, any administrative act by the KCSO when deemed necessary by OLEO to further its mission.
- Ensures that other complaints of misconduct are properly handled and are thoroughly and objectively investigated.

## **ATTACHMENTS**

1. OLEO Operational Plan

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<sup>1</sup> Major use of force incidents include those that could result in serious risk of injury, death, or civil liability. Examples include, but are not limited to, an officer-involved shooting, a head strike with an impact weapon, an in-custody death, and a law enforcement related injury involving hospitalization.

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**OFFICE OF LAW ENFORCEMENT OVERSIGHT (OLEO)  
(OPERATIONAL PLAN)**

**Purpose**

The King County Office of Law Enforcement Oversight (OLEO) was created to assure integrity and transparency of the King County Sheriff's Office (KCSO) and its employees. Housed within the legislative branch of County government, OLEO is an independent law enforcement oversight agency made up of civilians with expertise in law, police operations, police performance auditing, and risk management.

**Mission**

*Delivering independent and effective oversight through community engagement, collaboration, and accountability.*

OLEO proactively identifies systemic problems within KCSO, assures KCSO complies with best practices in the law enforcement community, and presents reasoned recommendations to mitigate risk and to advance integrity and transparency in policing.

OLEO conducts community outreach to educate the community about its role in overseeing KCSO on a periodic basis, especially when high-profile use of force incidents and other events of particular interest to the community occur.

Through the analysis of data necessary to effectively manage risk and evaluate the integrity of internal controls, OLEO carries out this mission through three vital functions: Police Performance Auditing, Use of Force Review, and the assessment of Public and Employee Complaints. Following its review, OLEO issues detailed reports, both quarterly and annually, of its findings to the King County Council and the King County Sheriff to assure that those functions are being performed with accuracy and integrity. The responsibility and objectives of each of the three functions is described below.

**Police Performance Auditing**

- Audit specific functions of the KCSO to identify risks and to mitigate them through well reasoned recommendations. Audit areas include, but are not limited to:
  1. Complaint Investigations;
  2. Motor Vehicle and Pedestrian Stops;
  3. Warrant Application and Supporting Affidavit;
  4. Confidential Informants;
  5. Use of Force Investigations; and
  6. Arrest Booking and Charging Reports.

### Use of Force

- OLEO will be involved throughout the investigative and adjudicative process of every major use of force incident involving a KCSO employee.<sup>1</sup> OLEO's involvement in these matters includes:
  1. Being immediately notified by the KCSO Command Post of a Critical Incident, where Critical Incident means:
    - a. An officer-involved shooting resulting in death or injury;
    - b. The use of force resulting in death or serious bodily injury;
    - c. An in-custody death;
    - d. A vehicular pursuit resulting in death or serious bodily injury;
    - e. A traffic collision involving an officer resulting in death or serious bodily injury; or
    - f. Any incident of workplace violence.
  2. Being present at the scene of a Critical Incident and observing the investigation in progress;
  3. Reviewing KCSO's investigation of the incident and conducting additional investigation if needed;
  4. Attending any KCSO board reviewing use of force;
  5. Reviewing and assessing the KCSO investigative reports and the Sheriff's final report; and
  6. Preparing an evaluation and assessment the KCSO's investigative reports and the Sheriff's final report.

### Public and Employee Complaints

- Assists members of the public as well as KCSO employees in filing complaints of misconduct involving KCSO employees.
- Assists KCSO employees in matters involving allegations of retaliation and other workplace concerns, as well as monitors KCSO's investigations into such matters to ensure that both the employee's rights as well as KCSO's mission are protected.
- Investigates, in response to a complaint or on its own initiative, any administrative act by the KCSO when deemed necessary by OLEO to further its mission.
- Ensures that other complaints of misconduct are properly handled and are thoroughly and objectively investigated.
- Prepares an annual review and assessment, to be presented to the Council in public session, of KCSO's handling of complaints and any claims of retaliation.

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<sup>1</sup> Major use of force incidents include those that could result in serious risk of injury, death, or civil liability. Examples include, but are not limited to, an officer-involved shooting, a head strike with an impact weapon, an in-custody death, and a law enforcement related injury involving hospitalization.



## Operational Authority

The operational authority that OLEO needs in order to accomplish its mission includes the following.

1. To mitigate risks inherent to police operations, the Office needs the authority to respond to, review, and investigate the following incidents, whether classified as misconduct or not, without having to wait for the conclusion of any other review or investigation of the incidents:
  - a. Use of force investigations;
  - b. The negligent or accidental discharge of a firearm;
  - c. Officer involved shootings, even when the rounds fail to strike the suspect;
  - d. In custody deaths, which occur while the victim and/or suspect is under the control of KCSO personnel;
  - e. Law enforcement related injuries (i.e., head strikes with a baton or other impact weapon, carotid restraint control holds, positional asphyxia, or the discharge of a TASER);
  - f. Incidents involving K-9 bites;
  - g. Instances of workplace violence;
  - h. Vehicular pursuits or accidents resulting in death or serious injury to KCSO personnel or members of the public;
  - i. Criminal investigations involving KCSO deputies; and
  - j. Any incident that could expose King County to civil liability.
2. To assure the adequacy of supervisory oversight and the Sheriff's internal discipline process, OLEO needs the authority to:
  - a. Assess the manner in which specific instances of discipline were recommended and administered by KCSO, including any settlements of grievances or appeals related to the discipline;
  - b. Access crime scenes to evaluate the quality of internal investigations and the conduct of the involved Deputy;
  - c. Assess KCSO investigations, whether classified as misconduct or not, especially those that involve high risk incidents or expose King County to potential civil liability;
  - d. Respond to Critical Incidents, including review and investigation as needed;
  - e. Have access to review board files and findings, such as those of the Use of Force Review Boards, Shooting Review Boards, and Accident Review Boards, for purposes of evaluation and oversight; and
  - f. Review and assess KCSO Internal Investigations Unit processes, investigations and findings.
3. To support KCSO's implementation of best practices in the law enforcement community, OLEO needs the authority to:

- a. Conduct performance audits of KCSO standards and procedures to identify risk and determine the adequacy of policies, training, and internal controls;
  - b. Audit and review investigative reports (i.e., arrest, booking, and charging reports) to assure compliance with Department policy and the rule of law; and
  - c. Conduct audits and reviews of allegations of racial profiling and other Constitutional violations such as those involving search and seizure, *Miranda*, and due process.
4. To assure OLEO and its employees have unfettered access to Department files and personnel, OLEO needs to have the following provision memorialized in the KCSO Manual:

**INQUIRIES OR INVESTIGATIONS BY THE OFFICE OF LAW ENFORCEMENT OVERSIGHT**

**Duty to Provide Access to Department Records and Information:** Per an Agreement approved by the King County Sheriff's Office, Department employees have an affirmative duty to cooperate fully with the Office of Law Enforcement Oversight and to provide complete, unrestricted and prompt access to inspect and/or photocopy all King County Sheriff Office records, including reports, audits, reviews, plans, projections, documents, files, contracts, memoranda, correspondence, data or information on audio/video computer tape/disc or other materials of the Department, including ongoing and in-progress matters. The Office of Law Enforcement Oversight is not required to articulate to the Department any reason or rationale for any specific request.

No Department protocols restricting access to Department records or information shall be applied to the Office Law Enforcement Oversight. In order to carry out the duties of the office, the Office of Law Enforcement Oversight shall have prompt access to any employee of the King County Sheriff's Office, subject to limitations imposed by law or collective bargaining agreement.

When inspecting or photocopying Departmental records or evidence maintained by the Department, the Office of Law Enforcement Oversight shall follow the same protocols pertaining to chain-of-custody, preservation of integrity of physical evidence and confidentiality applicable to Department personnel. When requesting materials from an in-progress crime investigation, the Office of Law Enforcement Oversight shall coordinate all activities with the Officer in Charge in a manner which does not interfere with or compromise the investigation.



## Government Accountability, Oversight and Financial Performance Committee

### STAFF REPORT

<b>Agenda Item:</b>	7	<b>Name:</b>	Mike Alvine
<b>Proposed No.:</b>	2012-B0057	<b>Date:</b>	April 10, 2012

**SUBJECT:** A briefing on changes to the appointment and confirmation process for members of the Citizens' Elections Oversight Committee.

#### **BACKGROUND:**

The King County Council has created three Citizen's Elections Oversight Committees (CEOC). The first was created in July 2003, the second was created in April 2005 and the current non-expiring committee was created in May 2006 through Ordinance 15453. On March 5<sup>th</sup> of this year the Council approved Ordinance 17273 adding a member to represent the Vietnamese-speaking community and changing the process for appointing and confirming members of the CEOC.

#### **DISCUSSION:**

*Previous Appointment/Confirmation Process:* The previous process for appointing members to the CEOC was quite simple. The chair and the vice chair of the County Council solicited nominations for vacancies from other Councilmembers. The chair and the vice chair then jointly appointed members who were then confirmed by Motion.

*New Appointment/Confirmation Process:* The new process includes the following elements.

1. The Chair notifies Councilmembers of an opening on the CEOC.
2. The Chair directs staff to prepare a job description and list of qualifications to be a CEOC member. (Draft documents have been prepared and are attached to this staff report.)
3. The CEOC vacant position will then be advertised in the newspaper. In the case of filling vacancies to represent the Chinese-speaking and Vietnamese-speaking communities, local newspapers that serve these communities will also likely be used. Draft administrative procedures also suggest posting the opening on the County's website.
4. Interested persons must fill out an application. All applications will be forwarded to Councilmembers and to the membership of the CEOC. The CEOC if it wishes, may

make comments to the Employment and Administration Committee regarding the applicants but is not required to do so.

5. The Council's Employment and Administration Committee will then review the applications, interview the applicants (if necessary) and by majority vote appoint a candidate to fill the vacant CEOC position.
6. The Council must then confirm the appointment by motion.

Draft documents for this process are being reviewed by the chair of the Council who must approve them. These drafts are attached to the staff report.

**ATTACHMENTS:**

1. Ordinance 17273
2. Draft Letter from Council Chair
3. Draft Qualifications and Responsibilities Document
4. Draft Application Document
5. Draft Administrative Process for the Appointment and Confirmation of CEOC Members



# KING COUNTY

Attachment 1

## Signature Report

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

April 6, 2012

### Ordinance 17273

**Proposed No.** 2012-0089.2

**Sponsors** Ferguson, Hague, Lambert, Gossett  
and von Reichbauer

1           AN ORDINANCE related to membership and  
2           representation on the citizens' elections oversight  
3           committee; and amending Ordinance 15453, Section 3, as  
4           amended, and K.C.C. 2.53.021.

5           STATEMENT OF FACTS:

6           1. The citizens' elections oversight committee has served as a significant  
7           resource and asset to King County voters and to King County in its role of  
8           providing oversight and advice on King County elections.

9           2. The committee was created by the council in May 2006. Since that  
10          time, an additional language requirement has been placed on King County  
11          by Section 203 of the federal Voting Rights Act, which requires that  
12          political subdivisions provide alternate language ballots and voter  
13          education materials if they have more than ten thousand or over five  
14          percent of the total voting age citizens who are members of a single  
15          minority language group and have limited English language proficiency.

16          Following the results of the 2010 Census, the county must now print  
17          ballots and voter education materials in Vietnamese as well as Chinese.

18          3. It is appropriate that the Vietnamese-speaking community be  
19          represented on the committee.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 15453, Section 3, as amended, and K.C.C. 2.53.021 are each hereby amended to read as follows:

A. ~~((The chair of the council and the council vice chair shall solicit nominations for membership from all council members. The chair of the council and the council vice chair shall jointly appoint oversight committee members who are confirmed by motion to the committee.~~

~~B.))~~ Committee membership shall include:

1. One representative from a nonpartisan organization active in King County that evaluates candidates and ballot measures, such as the Municipal League;

2. One representative from a nonpartisan organization active in King County that provides elections information to the public, such as the League of Women Voters;

3. One representative of an independent research and policy institute; and

4. One representative from a junior taxing district;

5. One representative of the Chinese-speaking community;

6. One representative of the Vietnamese-speaking community;

7. One representative from each of any other language minority community for which the Director of the Bureau of the Census determines by publication in the Federal Register that King County is required to provide minority language assistance under Section 203 of the Voting Rights Act;

~~((7.))~~ 8. Two King County registered voters who are not representatives of any of the groups listed in subsection ~~((B.))~~A.1. through ~~((5.))~~ 7. And ~~((7.))~~ 9. through ~~((12.))~~ 14. of this section;

43           ~~((7.))~~ 9. One representative from the King County Democratic Party;  
44           ~~((8.))~~ 10. One representative from the King County Republican Party;  
45           ~~((9.))~~ 11. One representative from the Washington state Democratic Party;  
46           ~~((10.))~~ 12. One representative from the Washington state Republican Party;  
47           ~~((11.))~~ 13. One ex officio, nonvoting representative from the Office of the  
48 Secretary of State;  
49           ~~((12.))~~ 14. One ex officio, nonvoting representative from the Washington State  
50 Association of County Auditors;

51           B. The process for filling vacancies on the committee is:

52           1. The chair of the council shall notify councilmembers of vacancies on the  
53 committee and shall direct council staff to develop a job description and list of  
54 qualifications for committee members, as well as an application form;

55           2. The open positions shall be advertised at a minimum in the county's  
56 newspaper of record;

57           3. The chair of the council shall direct council staff to develop administrative  
58 procedures for accepting applications. All applications shall be forwarded to all county  
59 councilmembers. Applications shall also be forwarded to the citizens' elections oversight  
60 committee for review and the committee may provide feedback to the employment and  
61 administration committee;

62           4. The employment and administration committee shall review applications, and  
63 may interview applicants. By majority vote, the employment and administration  
64 committee shall appoint members to the citizen oversight committee; and

65           5. Appointments shall be confirmed or rejected by the full council by motion.

66           C. When the Director of the Bureau of the Census determines by publication in  
67 the Federal Register that King County is no longer required to provide minority language  
68 assistance under Section 203 of the Voting Rights Act to a language minority community,  
69 the term of the committee member representing that community expires and committee  
70 membership representing that community is no longer required.

71           D. All members should have:

72           1. A working knowledge of local or state government elections operations and  
73 management;

74           2. A strong commitment to an accountable, transparent, well-managed and  
75 efficient elections operation in King County; and

76           3. A willingness to commit the time necessary to attend committee meetings and  
77 activities.

78           ~~((D-))~~ E. Except for the member representing the Washington State Association  
79 of Auditors, a nominee or appointee to the committee shall not hold elective public office  
80 or be a candidate for election to public office, other than as a precinct committee officer.

81           ~~((E-))~~ F. Except for the ex officio members, members shall serve three-year  
82 terms. However, the representatives representing the groups under subsection ~~((B-))~~ A.6,  
83 ~~((9-))~~ 10, and ~~((10-))~~ 11, of this section appointed in 2006 initially shall serve one-year  
84 terms and the representative representing the group under subsection ~~((B-))~~ A.1, 2, ~~((7-))~~  
85 8, and ~~((8-))~~ 9, of this section appointed in 2006 initially shall serve a two-year term. Ex  
86 officio members serve at the pleasure of their office or association. The member  
87 representing the Vietnamese-speaking community shall serve a three-year term that  
88 begins on the date of appointment to the committee and expires December 31, three years



89 fter the appointment. Any other members that may be added as required by this  
90 ordinance and under Section 203 of the Voting Rights Act shall serve three-year terms  
91 that begin on the date of appointment to the committee and expire December 31, three  
92 years after the appointment.  
93

Ordinance 17273 was introduced on 2/27/2012 and passed by the Metropolitan King County Council on 3/5/2012, by the following vote:

Yes: 7 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,  
Ms. Lambert, Mr. Ferguson and Mr. McDermott  
No: 0  
Excused: 2 - Ms. Patterson and Mr. Dunn

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Larry Gossett, Chair

ATTEST:

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Anne Noris, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** None

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Date

Dear Councilmembers,

The purpose of this letter is to inform you that there is a vacancy on the Citizens' Elections Oversight Committee (CEOC). The specific vacancy is \_\_\_\_\_. As you are aware, this is a very important committee that has served the Council very well and served the voters of King County well.

I am asking you to recommend nominees for this position who you feel would recognize the important responsibility of serving on this committee and who have the time to serve. Enclosed with this letter are (1) a document that describes the qualifications and responsibilities to serve on the committee, (2) an application to be a member of the committee and (3) the administrative procedures for filling vacancies on the committee.

A notice of this vacancy will be publishes in the Seattle Times and in community newspapers as appropriate. If you or your potential nominee have questions about the vacant position, please contact our staff Mike Alvine (206) 296-0350.

Thank you for responding within two weeks from the date of this letter.

Sincerely,

Larry Gossett, Chair, Metropolitan King County Council

Enclosures

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## **King County Citizens' Elections Oversight Committee**

The following information describes the qualifications for being a member of the Citizens' Elections Oversight Committee (CEOC) and responsibilities expected for members of the committee.

### **Qualifications to be a CEOC member**

1. A working knowledge of local or state government elections operations and management.
2. A strong commitment to an accountable, transparent, well-managed and efficient elections operation in King County.
3. A willingness to commit the time necessary to attend committee meetings and activities.
4. Except for the member representing the Washington State Association of Auditors, a nominee or appointee to the committee shall not hold elective public office or be a candidate for election to public office, other than as a precinct committee officer.
5. For members that represent the Chinese- and Vietnamese-speaking communities it is highly desirable to be able to read the respective language and to demonstrate strong ties to the respective communities.
6. It is helpful for all members to have good oral communication skills as well as interpersonal skills and to be able to work well in a group situation.

### **Responsibilities of CEOC Members**

1. Monitor the primary and general elections and canvassing board meetings to observe if proper procedures are followed, to report on any problems that are observed or come to light, to recommend corrective actions on problems that may arise and to ensure that any problems that arise are discussed in an open and public manner. The committee shall report to the council in a timely way on any significant problems that might occur or on any serious concerns the committee may have.
2. Review recent reports on elections and recent legislation that affects elections standards, procedures, equipment and technologies.
3. Conduct oversight of the implementation of new standards or procedures for elections as mandated by federal, state or county legislation.
4. Meet at least quarterly.
5. Submit a report to the council on its observations, findings and recommendations regarding the primary and general elections by February 1 of each year by filing eleven copies of the report with the clerk of the council for distribution to all Councilmembers. (Staff drafts the report based on input from CEOC members.)

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## **King County Citizens' Elections Oversight Committee**

### **APPLICATION FOR MEMBERSHIP**

Please describe your knowledge and experience under each element. If you have no experience or knowledge for a particular element, please indicate so. **When complete, this document should be no more than 3 (4?) pages. Do not change the font or margins.**

#### **Qualifications to be a CEOC Member**

- 1. A working knowledge of local or state government elections operations and management.**
- 2. A strong commitment to an accountable, transparent, well-managed and efficient elections operation in King County.**
- 3. A willingness to commit the time necessary to attend committee meetings and activities.**
- 4. Except for the member representing the Washington State Association of Auditors, a nominee or appointee to the committee shall not hold elective public office or be a candidate for election to public office, other than as a precinct committee officer. (Do you hold an elective office?)**
- 5. For members that represent the Chinese- and Vietnamese-speaking communities it is highly desirable to be able to read the respective language and to demonstrate strong ties to the respective communities.**
- 6. It is helpful for all members to have good oral communication skills as well as interpersonal skills and to be able to work well in a group situation.**
- 7. Are you able and do you commit to fulfilling the responsibilities of membership as outlined in the CEOC Qualifications and Responsibilities document?**

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**King County**  
**Citizens' Elections Oversight Committee**  
**Administrative Procedures for Filling Vacancies**

This document describes the administrative procedures for filling a vacancy on the Citizens' Elections Oversight Committee (CEOC).

**Procedures for filling CEOC vacancies**

1. Upon being notified of a vacancy on the CEOC, the chair will send a letter to Councilmembers soliciting nominees. The letter shall identify the specific vacancy or vacancies and enclosed with the letter shall be the Qualifications/Responsibilities document for being a member of the CEOC, the application form and the Administrative Procedures document for filling CEOC vacancies.
2. At the chair's direction, the Council staff member who staffs the CEOC shall ensure that a notice of the vacancy is published in a local paper of wide circulation. In the case of filling vacancies to represent the Chinese-speaking and Vietnamese-speaking communities, local newspapers that serve these communities shall also be used. At the chair's discretion, vacancies may be posted on the County's website.
3. Council staff shall forward all applications to Councilmembers and to the members of the CEOC.
4. The CEOC may provide feedback to the Council's Employment and Administration Committee (EAC) but is not required to do so.
5. The EAC will review all applications and may interview candidates. By a majority vote, the EAC will appoint new members to the CEOC.
6. Following appointment, all new members of the CEOC must be confirmed by motion.
7. For the positions representing the Secretary of State and the Washington State Association of County Auditors, the the Secretary of State or Association of County Auditors shall still provide a resume for their nominee rather than filling out the application. The EAC will review the resume of the nominee, interview the nominee if necessary and make the appointment which must be confirmed by motion by the Council.

Approved by the Chair of the Council

Date